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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,444	02/06/2002	Giovanni M. Della-Libera	003797.00212	9546

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EXAMINER
HOMAYOUNMEHR, FARID

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| *Advisory Action* *Before the Filing of an Appeal Brief* | Application No. 10/068,444 | Applicant(s) DELLA-LIBERA ET AL. |
| | Examiner Farid Homayounmehr | Art Unit 2132 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>30 May 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

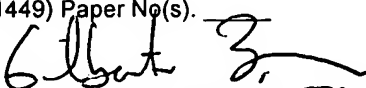   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). No amendments

7. ☒ For purposes of appeal, ~~the proposed amendment(s)~~: a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-21*</u>.

   Claim(s) withdrawn from consideration: <u>*22-32*</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

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Continuation of 11. Applicant argues that Rothermel (cited reference for 102 rejection) does not teach or suggest using a security protocol independent security policy language to create such policy and lacks interoperability with other systems. The Final office action fully responded to this argument by citing Col. 13, line 30 to Col. 14, line 13 of Rothermel, to indicate that it actually does teach using a security protocol independent security policy language. Applicants cited only a portion of the referenced section of Rothermel (only Col. 13 line 33 to 35 and line 38 to 42 of the cited part, which is Col. 13, line 30 to Col. 14, line 13), and argued that because Rothermel works with Linux, it has no use or motivation to apply a security policy written in a security protocol independent security policy language. Examiner disagrees with such assessment as the mere fact that a system supports a certain OS, does not mean it is not motivated to work with other systems or provide interoperability. In fact, Rothermel's teaching does suggest interoperability and working with other systems, an example of which is Col. 13 line 47 to 51 (part of cited section Col. 13, line 30 to Col. 14, line 13) where Rothermel explicitly teaches: "The packet filter engine implements the specific security policy for the NSD, and interacts with various other software components including the firewall 630, proxies for various network services 635, and authentication software 640." This is a clear example of interoperability of NSD.

Applicants further disagree that Col. 7, lines 3-57 shows a security policy written in a security protocol independent language. Applicant argues that because Rothermel queries specific supervisor devices, it could not utilize a security protocol independent language. Once again, Examiner disagrees with that assessment. Rothermel creates a security policy template (column 7 line 3 to 57) and combine that with the specific attributes of the protocols running in NSDs (column 10 line 47 to 65) to create a security policy. The template itself is independent of the protocols. When the template is combined with the specific attributes of the protocols, a security policy compatible with NSD is created. It is noted that in applicant's own disclosure, namely figures 6 and 7 and associated text, a protocol independent policy is configured according to the specifics of the security component, before it is sent to the security component. If a system is capable of working with specific security components, it does not mean it can't have a security policy written in a security protocol independent language.

In conclusion, applicant's arguments are moot and none of the claims are in the condition of allowance.